

## **REMARKS**

This Response is responsive to the Office Action of April 11, 2007.

The Office Action, paragraph 1, objects to the drawings in that reference character C3 is not mentioned in the description. Applicant has deleted C3 from **Fig. 3 (b)** and encloses a Replacement sheet for this Figure.

The Office Action, paragraph 2, objects to claims 1-8 in that certain terms in the claims have an insufficient antecedent basis. Applicant has amended the claims to correct for such insufficiency.

The Office Action, paragraphs 3-7, rejects all of the claims under 35 USC 102(b) and/or 35 USC 103(a) in view of ***Kouchi et al*** (*Relation between the medial axis of the foot and 3-D shape*, Ergonomics) and ***Tiitola et al*** (US Patent No. 4,917,105). Applicant traverses these rejections.

Independent Claims 1, 2, 5 and 8 (and all of the claims dependant thereon) have been amended to specify the manner of obtaining the “central line”, i.e., *obtaining a central line which is a straight line connecting a point corresponding to a central line of the foot (foot axial line) at a height position of 2 to 6% of a foot length from a bottommost position in the two-dimensional cross-section to a central point of the two-dimensional cross-section in the right-left direction at a height position of 20 to 30% of the foot length from the bottommost position in the two-dimensional cross-section.*

Such a manner of determining the “central line” of the foot is very specific and objective and there is no ambiguity on how it is obtained. In contrast, the method by which ***Kouchi et al*** determines the *midline of the medial and lateral outlines (MLI)* is vague and subjective, i.e., “...using the midpoints of the medial and lateral outlines with the z value (Fig.6) ranging from 10-50 mm, a regression line was calculated, and the angle between the regression line and the z axis was used as the MLI. This is a very subjective manner of determination when applied to a single foot with a single measurement. Therefore in ***Kouchi et al.***, the measured value of the inward/outward inclination angle of the foot, changes from measurement to measurement. On the other hand, in Applicant’s claimed method the measurement is accurate and repeatable.

Additionally, Claims 3 and 6 require "...obtaining a rate of arch height of the foot...". This is defined in the application at page 7, lines 9-16:

*The foot arch height rate is a value derived from dividing the height (H) of a part P which is a most outwardly bulged portion of a navicular bone 20 by the length (A) of the foot 10 (see Figures 1(a) and 1(b)).*

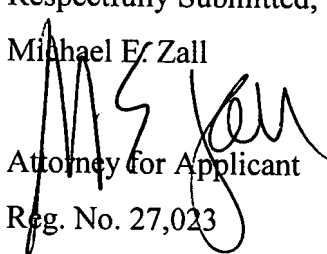
Such a manner of determining the "arch height rate" of the foot is very specific and objective and there is no ambiguity on how it is obtained. On the other hand, the PFA (posterior flexion angle) described in Kouchi et al. is different from a foot arch height rate used in Applicant's Claims 3 and 6 and is determined in a subjective manner (see 3.3, page 857 Kouchi et al.).

Still further, Claims 4 and 7 have been amended to "...obtaining an angle of inward inclination of a side surface of a first toe of the foot with respect to the central line of the foot (foot axial line) from the three-dimensional data on the measured shape of the foot, the side surface of the first toe being on an opposite side of the a second toe of the foot... Tiitola et al. Does not teach or suggest such step and fails to disclose using three-dimensional data. Tiitola et al can not measure the inclination angle of the foot objectively and reproducibly. The method of Tiitola et al is described (Col.4, lines58-64).

Applicant asserts that the now pending claims 1-12 are novel and unobvious in view of the cited references and requests that this application pass to issuance.

Respectfully Submitted,

Michael E. Zall

  
Attorney for Applicant

Reg. No. 27,023

Two Yorkshire Drive

Suffern, NY 10901

Tel.: (845) 357-4533

Fax.: (845) 357-4616

